

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

WILLIAM BLANCO PALMA PETITIONER  
v. CIVIL ACTION NO. 5:19-cv-112-DCB-MTP  
SHAWN R. GILLIS RESPONDENT

ORDER

This matter is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation. [ECF No. 15], to which no objections have been filed. Having carefully reviewed the Report and Recommendation, the Court finds it to be well taken and hereby adopts it as the findings and conclusions of this Court.

Magistrate Judge Parker finds that the Petitioner William Blanco Palma ("Palma")'s Habeas Corpus Petition should be granted. Petitioner has been in ICE custody awaiting removal since May 8, 2019, well in excess of the six-month presumptively reasonable period prescribed by the Supreme Court in Zadvydas v. Davis, 533 U.S. 678, 701 (2001). "After this 6-month period, once the alien provides good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut the showing." Id.

In this case, Magistrate Judge Parker finds that the Government has not demonstrated that there is a significant

likelihood of removal in the reasonably foreseeable future. The Petitioner has fully cooperated in all efforts to secure travel documents from Venezuela. The Government requested Venezuelan travel documents on November 10, 2019, approximately seven months ago, but Venezuelan officials have not provided the requested documents. According to Petitioner, Venezuela has broken off diplomatic relations with the United States. The record shows that Venezuela has not provided the documents nor provided any assurance that the documents are forthcoming.

Accordingly,

IT IS HEREBY ORDERED that the Court ADOPTS Magistrate Judge Michael T. Parker's Report and Recommendation [ECF No. 15] as the findings and conclusions of this Court;

IT IS FURTHER ORDERED that the Habeas Petition [ECF No. 1] is GRANTED;

IT IS FURTHER ORDERED that Immigration & Customs Enforcement deport Petitioner or release him subject to appropriate conditions of supervision, to be determined by Immigration & Customs Enforcement, within thirty days of the entry of this Order.

IT IS FURTHER ORDERED that the Petitioner's Motion for Humanitarian Release [ECF No. 16] is DENIED as MOOT.

A Final Judgment will be entered of even date herewith pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 19th day of August, 2020.

/s/ David Bramlette\_\_\_\_\_

UNITED STATES DISTRICT JUDGE